IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B. CIVIL WRIT PETITION No.687/2001
RAJENDRA KUMAR V/S THE DIVISIONAL COMMISSIONER, KOTA & Ors

DATE OF ORDER 20.2.2007

PRESENT

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri Samunder Singh for the petitioner.
Shri Mukesh Pal for the respondents.

Heard learned counsel for the parties.

The petitioner has come up in this writ petition by challenging the order dated 30.4.93 passed by the learned District Collector, Baran and the order dated 6.3.2000 passed by the learned Divisional Commissioner, Kota. The District Collector, Baran exercising powers u/s 285 of the Municipality Act in the revision petition filed by the respondent No3, Prem Prakash Gupta held that the sale of strip of land to the petitioner by the Municipal Board, Baran was contrary to the provisions of rule 23 of the Rajasthan Municipality Disposal of Urban Land Rules, 1974. The petitioner then challenged the said order before the Divisional Commissioner who directed that the strip of land should be sold only by way of public auction. This is how the petitioner has now filed the present writ petition challenging the aforesaid two orders.

Having heard learned counsel for the parties and after perusal of the impugned orders, I find that this is a matter where the sale of strip of land is involved. Apart from the petitioner, the respondent No.3 Prem Prakash Gupta was also willing to purchase the same strip of land. When two persons are interested to purchase a strip of land, according to rule 23, supra, there shall be an auction and before auction of the such strip of land a public notice shall be issued. In the light of the fact that there are two claimants to the strip of land, I do not see any illegality in the order passed by the leaned District Collector which was later upheld by the learned Divisional Commissioner. There being no merit in the writ petition and the same is dismissed with no order as tao costs.

(Mohammad Rafiq), J.

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